

# CALFRESH (CF) PROGRAM REQUEST FOR POLICY/REGULATION INTERPRETATION

**INSTRUCTIONS:** Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. If additional space is needed, please use the second page. Be sure to identify the additional discussion with the appropriate number and heading. Retain a copy of the CF 24 for your records.

- Questions from counties, including county Quality Control, must be submitted by the county CalFresh Coordinator and may be submitted directly to the CalFresh Policy analyst assigned responsibility for the county, with a copy directed to the appropriate CalFresh Policy unit manager.
- Questions from Administrative Law Judges may be submitted directly to the CalFresh Policy analyst assigned responsibility to the county where the hearing took place, with a copy of the form directed to the appropriate CalFresh Bureau unit manager.

1. RESPONSE NEEDED DUE TO: <input checked="" type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input type="checkbox"/> Fair Hearing <input type="checkbox"/> Other:	5. DATE OF REQUEST: 7/27/2016	NEED RESPONSE BY: 8/4/2016
2. REQUESTOR NAME:	6. COUNTY/ORGANIZATION: County of Riverside	
3. PHONE NO.:	7. SUBJECT: Sponsored Noncitizen Opting-Out	
4. REGULATION CITE(S): 63-300.5 (e) (2),	8. REFERENCES: (Include ACL/ACIN, court cases, etc. in references) NOTE: All requests must have a regulation cite(s) and/or a reference(s).  AN 06-66, Farm Bill 2002, ACL 11-06/E, ACINs: I-43-03 I-08-03, I-97-01, I-59-03, I-79-03, I-9-04.	

9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):

The CF 285 advises all non-citizens that they have the right to "Opt Out" of the CalFresh Program. See Below, Is Opting Out only available to Sponsored Non-Citizens?

**Opting Out**

You do not have to give immigration information, Social Security numbers, or documents for any noncitizen family members who are not applying for CalFresh benefits. The County will need to know their income and resource information to correctly determine your household's benefits. The County will not contact USCIS about the people who don't apply for CalFresh benefits.

MPP 63-300.5(e)(2) shows no distinction between sponsored and non-sponsored citizenship types and has caused confusion. Some staff have allowed unsponsored noncitizens to opt out.

10. REQUESTOR'S PROPOSED ANSWER:

"Opting Out" of the CalFresh Application is only for sponsored non-citizens. Opting Out - ACL 11-06

If the adult sponsored non-citizen wishes to opt out of the application, but wishes to apply for other people in the household, the adult opting out of benefits shall be treated as an ineligible non-citizen, and the provisions of MPP § 63-503.442 (excluded household members) apply. The Farm Bill of 2002 provides that no information about the applicant's sponsor shall be collected in this situation. "Opting out" must be done before an eligibility determination has been made on the application.

11. STATE POLICY RESPONSE (CFPB USE ONLY):

ACL 11-06 provides specific guidance for sponsor/sponsored noncitizens and does not include all other noncitizen populations. "Opting Out" is not restricted to sponsored noncitizens and applies to all noncitizens. A sponsored noncitizen or any other noncitizen has the opportunity to be excluded from the CalFresh household early in the application process which is before the eligibility determination [MPP 63-300.51(b)(4), AN 06-66]. The income and resources of the sponsored noncitizen/or any other excluded household member is treated as available to the household to calculate benefits for the remaining CalFresh household members (MPP 63-503.442).

## FOR CDSS USE

DATE RECEIVED: August 5, 2016	DATE RESPONDED TO COUNTY/ALJ: 02/09/2016sc
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